

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Louis J. Johnson,

Plaintiff,

v.

First Horizon Home Loan Corp., et al.,

Defendants.

Case No. 3:07-cv-1260

Judge Carr

**MIDWEST FINANCIAL & MORTGAGE
SERVICES, INC., INITIAL
DISCLOSURES PURSUANT TO FED. R.
CIV. P. 26(a)**

Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, Defendant/Cross-Claim Defendant/Cross-Claim Plaintiff Midwest Financial and Mortgage Services, Inc. (“Midwest”) hereby makes the following Initial Disclosures. Midwest’s Initial Disclosures are based upon information and documents reasonably available and known to Midwest at this time and Midwest reserves its right to supplement or amend its Initial Disclosures, if necessary, as additional information and documents are discovered.

(A) Provide the name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information.

Midwest’s Response to Item (A): Midwest currently believes the following individuals may have discoverable information that Midwest may use to support its claims and defenses:

1. Plaintiff Louis J. Johnson: Plaintiff Louis J. Johnson has information relating to the facts and circumstances surrounding the mortgage loans at issue as well as his purported claims in this case. Upon information and belief, Plaintiff may be contacted through his counsel, Erik W. Longton and Richard N. Alston, Advocates for Basic Legal Equality – Ohio, 740 Spitzer Building, 520 Madison Avenue, Toledo, Ohio 43604; and Denise R. Zanni, Legal Aid of Western Ohio, 109 West Water Street, Sandusky, Ohio 44870; and Stanley A. Hirtle, Advocates for Basic Legal Equality – Dayton, 333 West First Street, Suite 500, Dayton, Ohio 45402.
2. Dan Schlueter: Dan Schlueter is the General Manager of Defendant Midwest who has information relating to the facts and circumstances surrounding Plaintiff's purported claims, First Horizon Home Loan's Cross-Claim, and Midwest's Cross-Claim, including without limitation the facts and circumstances surrounding the origination and closing of Plaintiff's mortgage loan, Midwest's relationship with First Horizon Home Loan, and Midwest's policies and procedures governing the origination and closing of mortgage loans. Mr. Schlueter may be contacted through Midwest's counsel, Sarah A. McHugh, Maloney, McHugh & Kolodgy, Ltd., 20 North St. Clair Street, Toledo, Ohio 43604, (419) 241-5175.
3. Richard E. Amrhein: Richard E. Amrhein, Castlebrook Appraisals, 110 E. Canal Street, Troy, Ohio 45373. Richard E. Amrhein is an appraiser listed in Defendant First Horizon Home Loan's Initial Disclosures. Mr. Amrhein may be contacted at (937) 335-7210.
4. Federated Land Title Agency, LLC: Federated Land Title Agency, LLC, 10250 Alliance Road, Suite 125, Cincinnati, Ohio 45242. Federated is listed in Defendant First Horizon Home Loan's Initial Disclosures. Federated may be contacted at (606) 578-3888.

(B) Provide a copy of, or description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody and control of Midwest and that Midwest may use to support its claims or defenses, unless used solely for impeachment.

Midwest's Response to Item B: See Exhibit A attached hereto.

(C) Provide a computation of any category of damages claimed by Midwest, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of the injuries suffered.

Midwest's Response to Item C: Midwest seeks an award of costs and expenses, including its reasonable attorneys' fees and costs incurred in defending this matter against Plaintiff, a

computation of which shall be provided once final figures are available. Midwest further seeks the following categories of damages in its Cross-Claim against First Horizon Home Loan:

1. An award of damages for all loss, damage, cost and expense incurred by Midwest in this case, a computation of which shall be provided once final figures are available;
2. An award of damages for all costs and expenses, including reasonable attorneys' fees and costs, incurred by Midwest in defending Plaintiff's claims in this case, a computation of which shall be provided once final figures are available; and
3. An award of pre-judgment and post-judgment interest, which shall be computed in accordance with the statutory and common law of Ohio.

Midwest will produce any non-privileged documents in its possession upon which it bases its computation of damages, if any, including without limitation those documents bearing on the nature and extent of Midwest's damages, at a place and time to be agreed upon by counsel.

(D) Provide for inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Midwest's Response to Item D: Midwest is unaware of any such insurance agreement at this time.

Respectfully submitted,

/s/ Sarah A. McHugh
Sarah A. McHugh
MALONEY, MCHUGH & KOLODGY, LTD.
20 North St. Clair Street
Toledo, Ohio 43604
Phone: (419) 241-5175
Fax: (419) 725-2075
Attorney for Midwest Financial and Mortgage Services,
Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was electronically filed this 23rd day of July, 2007. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Sarah A. McHugh

Sarah A. McHugh, Esq.